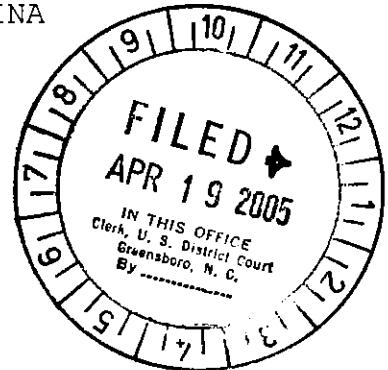


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



JANE C. CALDWELL,)
Plaintiff,)
v.) 1:03CV707
MICHAEL O. LEAVITT,)
Administrator for the United)
States Environmental)
Protection Agency,)
Defendant.)

ORDER and JUDGMENT

OSTEEN, District Judge

The court has before it this Standing Order 30 recommendation by the Magistrate Judge that summary judgment for the Defendant should be granted. The Plaintiff timely objected to the recommendation and the Defendant timely responded.

The record, including the Plaintiff's objections and the Defendant's response, has been reviewed by this court, and it is the opinion of this court that the recommendation is in accord with the facts and the prevailing law. The court adopts the recommendation of the Magistrate Judge, entered March 10, 2005, as its own findings and conclusions.

IT IS THEREFORE ORDERED that Defendant's alternative motion for summary judgment [22] should be and is hereby granted.

IT IS FURTHER ORDERED AND ADJUDGED that this proceeding is hereby dismissed.

This the 19 day of April 2005.



United States District Judge